



General Assembly

February Session, 2002

Raised Bill No. 5204

LCO No. 1171

Referred to Committee on Energy and Technology

Introduced by:
(ET)

AN ACT CONCERNING THE PRESENCE OF MEMBERS AT SITING COUNCIL HEARINGS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 16-50m of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2002*):

3 (a) Upon the receipt of an application for a certificate complying
4 with section 16-50l, the council shall promptly fix a commencement
5 date and location for a public hearing thereon not less than thirty days
6 nor more than one hundred fifty days after such receipt. At least one
7 session of such hearing shall be held at a location selected by the
8 council in the county in which the facility or any part thereof is to be
9 located after six-thirty p.m. for the convenience of the general public.
10 After holding at least one hearing session in the county in which the
11 facility or any part thereof is to be located, the council may, in its
12 discretion, hold additional hearing sessions at other locations. If the
13 proposed facility is to be located in more than one county, the council
14 shall fix the location for at least one public hearing session in
15 whichever county it determines is most appropriate, provided the
16 council may hold hearing sessions in more than one county.

17 (b) (1) The council shall hold a hearing on an application for an
18 amendment of a certificate not less than thirty days nor more than
19 sixty days after receipt of the application in the same manner as a
20 hearing is held on an application for a certificate if, in the opinion of
21 the council, the change to be authorized in the facility would result in
22 any material increase in any environmental impact of such facility or
23 would result in a substantial change in the location of all or a portion
24 of the facility, other than as provided in the alternatives set forth in the
25 original application for the certificate, provided the council may, in its
26 discretion, return without prejudice an application for an amendment
27 of a certificate to the applicant with a statement of the reasons for such
28 return. (2) The council may hold a hearing on a resolution for
29 amendment of a certificate not less than thirty days nor more than
30 sixty days after adoption of the resolution in the same manner as
31 provided in subsection (a) of this section. The council shall hold a
32 hearing if a request for a hearing is received from the certificate holder
33 or from a person entitled to be a party to the proceedings within
34 twenty days after publication of notice of the resolution. Such hearing
35 shall be held not less than thirty days nor more than sixty days after
36 the receipt of such request in the same manner as provided in
37 subsection (a) of this section. (3) The county in which the facility is
38 deemed to be located for purposes of a hearing under this subsection
39 shall be the county in which the portion of the facility proposed for
40 modification is located.

41 (c) The council shall cause notices of the date and location of each
42 hearing to be mailed, within one week of the fixing of the date and
43 location, to the applicant and each person entitled under section 16-501
44 to receive a copy of the application or resolution. The general notice to
45 the public shall be published in not less than ten point, boldface type.

46 (d) Hearings, including general hearings on issues which may be
47 common to more than one application, may be held before [a majority
48 of the] not less than three members of the council. If the chairman of
49 the council is not in attendance at a hearing, the chairman shall

50 designate a council member as acting chairman for such hearing.

51 (e) During any hearing on an application or resolution held
52 pursuant to this section, the council may take notice of any facts found
53 at a general hearing.

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>

Statement of Purpose:

To reduce to three the number of sitting council members necessary to be present to conduct hearings of the council and to allow the chairman of the council to designate another member of the council to preside over a hearing in his or her absence.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]